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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION

N.Z., R.M., B.L., S.M., and A.L.,
individually and on behalf of themselves
and all others similarly situated,

Plaintiffs,

v.

FENIX INTERNATIONAL LIMITED,
FENIX INTERNET LLC, BOSS
BADDIES LLC, MOXY
MANAGEMENT, UNRULY AGENCY
LLC (also d/b/a DYSRPT AGENCY),
BEHAVE AGENCY LLC, A.S.H.
AGENCY, CONTENT X, INC., VERGE
AGENCY, INC., AND ELITE
CREATORS LLC,

Defendants.

Case No. 8:24-cv-01655-FWS-SSC

Hon. Fred W. Slaughter
Hon. Stephanie S. Christensen

**PLAINTIFFS' APPLICATION
TO FILE UNDER SEAL
PLAINTIFFS' RESPONSE IN
OPPOSITION TO DEFENDANTS
FENIX INTERNATIONAL
LIMITED'S AND FENIX
INTERNET LLC'S MOTION TO
DISMISS FOR LACK OF
PERSONAL JURISDICTION,
FAILURE TO STATE A CLAIM,
AND IMPROPER VENUE AND
CERTAIN SUPPORTING
DOCUMENTS**

Pursuant to Local Rule 79-5.2.2(b), Plaintiffs hereby respectfully apply to this Court for permission to file under seal documents designated as “Confidential” by Fenix International Limited and Fenix Internet LLC (“Fenix Defendants”) in this action, found in the concurrently submitted:

1. Plaintiffs’ Response in Opposition to Fenix International Limited’s and Fenix Internet LLC’s Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim, and Improper Venue (“Response”).
2. Exhibit A and Exhibit B to the Declaration of Robert B. Carey in Support of Plaintiffs’ Response in Opposition to Fenix International Limited’s and Fenix Internet LLC’s Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim, and Improper Venue (“Exhibits”).

Under the July 3, 2025 Stipulated Protective Order (“Stipulated Protective Order”) requires that any motion papers, briefs, memoranda, affidavits, declarations, exhibits, transcripts, or other papers filed with the Clerk of Court that contain any confidential material must be accompanied by an application to file the papers—or the confidential portion thereof—under seal in compliance with Local Rule 79-5. Dkt. 135 at §§ 1, 5, 12. The Fenix Defendants have designated information found in the documents listed above as “Confidential” under the Protective Order in this action.

On July 15, 2025 counsel for Plaintiffs shared with counsel for Defendants which documents the Fenix Defendants designated as “Confidential” would be referenced in Plaintiffs’ Response. *See* Declaration of Robert B. Carey in Support of Plaintiffs’ Response in Opposition to Fenix International Limited’s and Fenix Internet LLC’s Motion to Dismiss for Lack of Personal Jurisdiction, Failure to State a Claim, and Improper Venue and Certain Supporting Documents (“Carey Decl.”) ¶ 4. The parties discussed, in good faith, the possibility of redacting or removing

1 the confidentiality designations in their entirety but were unable to reach a
2 resolution. *Id.*

3 Plaintiffs apply for an order regarding the sealing of these documents to
4 comply with the provisions set forth in the Stipulated Protective Order. *See id.* The
5 Joint Stipulation includes references to documents that the Fenix Defendants have
6 marked as “Confidential.” The Exhibits may include information relating to internal
7 investigations, employment information, or other private personal identifying
8 information. However, the Fenix Defendants are the parties who have designated
9 the Exhibits confidential and presumably have knowledge regarding the basis for
10 the confidentiality designations and an interest in the materials being sealed.
11 Therefore, it is the Fenix Defendants who must “overcome the presumption of the
12 public’s right of access sufficient to permit sealing.” *Kamakana v. City & Cnty. of*
13 *Honolulu*, 447 F.3d 1172, 1178-1180 (9th Cir. 2006). Plaintiffs take no position on
14 whether these documents qualify for protection under Rule 26(c).

15 Pursuant to Local Rule 79-5.2.2(b)(i), within 4 days of this filing, the Fenix
16 Defendants must file with the Court a declaration establishing that the designated
17 information is sealable. If the Fenix Defendants do not file responsive declarations
18 as required by this subsection, the documents Plaintiffs are requesting be filed
19 under seal may be made part of the public record in their entirety.

20 DATED: July 17, 2025

Respectfully submitted,

21
22 HAGENS BERMAN SOBOL SHAPIRO LLP

23 By /s/ Robert B. Carey

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